

**SELECTMEN'S MEETING
UPSTAIRS MEETING ROOM
1 AVENUE A, TURNERS FALLS, MA
MONDAY, February 8, 2016**

Meeting was opened at 7:00 PM in the Upstairs Meeting Room. Present were Selectpersons Chris Boutwell (absent), Mike Nelson, and Rich Kuklewicz. Town Administrator Frank Abbondanzio (absent) and Executive Assistant Wendy Bogusz (absent)

Approve minutes of February 1, 2016

Kuklewicz makes the motion to approve the minutes of February 1, 2016. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Public Comment Period: Individuals will be limited to two (2) minutes each and the Board of Selectmen will strictly adhere to time allotted for public comment:

Rodney Madison: I still maintain the planter committee was discontinued without due process, none of the committee members were notified. It was discontinued based on incorrect information from the liaison, David Jensen when he informed the Board of Selectmen our mission was done once we had written the procedures and policies. In fact, that was only the beginning of our mission and he stated to you he was mistaken. The whole premise on why it was discontinued was based on misinformation. There were several people who spent lots of time and energy on this committee to just see it dismantled like that. How would people interested in the planter coordinator position be able to nominate themselves?

Nelson: I met with Gary last week after you and I spoke and as we discussed, Gary is going to get a meeting together and send out invitations to downtown business owners and current planter adoptees inviting them to come to this meeting. I suggested he connect with David about setting this up.

Charles Kelley: This has to do with the complaint I filed with the Division of Telecommunication and Cable and I was wondering if the Board has heard anything? I see there is ongoing negotiations with MBI and I believe it is a mute point because as of right now, you don't have a contract with Comcast until you have the public hearing. I realize you have not heard this from your attorney or the division, but it's quite clear under the law. The question is while your in this limbo, what are you going to be doing because my understanding is the next step is Comcast is going to be asking for a tentative contract, has that happened yet?

Kuklewicz: At the last meeting J. Burbank said he'd be contacting Peter Epstein to get an understanding from him. I cannot say if you are right or not.

Kelley: I also contacted MBI about this and asked for their intervention in this. Before you write this letter to MBI, I think you need to establish first where you're at on this public hearing; anything done before that is putting the cart before the horse. There was an MBI meeting that was held by a committee and the last time this committee met they didn't have a quorum. I don't know how they would have a meeting without public notification.

Kevin Hart stated the meeting was posed by the FRCOG as it was a Regional Meeting.

Kelley: State Broadband Committee should have posted in Town Hall they were meeting at the FRCOG.

Bill Goldfarb, Lefty's Brewing Company

One Day Beer & Wine License, Gfld Police Dept. Comedy Night, 4/29/16 at Shea Theater, 4:00 PM to 12:00 AM

Kuklewicz makes the motion to approve the One Day Beer & Wine License, to Bill Goldfarb, Lefty's Brewing Company for the Greenfield Police Dept. Comedy Night, on 4/29/16 at the Shea Theater, 4:00 PM to 12:00 AM. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson- Aye

Bruce Hunter, FCRHRA

Authorization to extend contract date from December 31, 2015 to June 30, 2016 for the Avenue A Streetscape Enhancement Project

Kuklewicz makes the motion to approve the Avenue A Streetscape Enhancement Project contract Addendum #2 extension with Berkshire Design Group to close out the Phase 1 and Phase 2 projects from December 31, 2015 to June 30, 2016. Seconded by Nelson, approved. Kuklewicz – aye, Nelson - Aye

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Linda Hickman, Library Director

Request to appoint interim Library Trustee, David Harmon to replace Barb Stewart

Kuklewicz makes the motion to appoint David Harmon as interim Library Trustee, filling the remainder of Barbara Stewarts Term. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson - Aye

Kevin Hart, Broadband Committee

Broadband Updates, Letter to MBI from Board of Selectmen

Rob Steinberg: We have a prototype letter we would like you to approve asking Matrix to be approved as the vendor for the Montague Broadband extension to the unserved areas of town, with negotiations to begin immediately, in parallel to any other MBI needs.

Kuklewicz makes the motion to sign the letter to Mr. Nakajima as requested by the Montague Broadband Committee to contract with Matrix Design Group. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye

Steinberg asks selectmen for guidance on their role from here on out. The town has done well representing it's own affairs so we are best served having ourselves manage the system. MBI has \$5 million to give to Towns. There is still no formula on splitting the money. We are concerned about timelines. Would like to see the Board of Selectmen and the Broadband Committee negotiate the terms with MBI.

Kuklewicz makes the motion to authorize the Montague Broadband Committee to continue discussions and enter into negotiations with Matrix along with MBI with the goal of completing the network for underserved areas of Town. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye

Ramsey: So you are aware, this does involve the Town owning, operating and managing the system for the life of it and its going to take staff resources as well as legal counsel.

Discussion.

Steinberg goes over hand out comparing Matrix and Comcast (attached)

Robert G. Obear, Powers Block Properties

Request for certificate of substantial completion under the Commercial Homesteading Program for redevelopment of 30, 34, 34R East Main Street

O'Bear gives updates on buildings. Progress is ongoing

Ramsey: O'Bear obtained the properties through the Community Homesteading Program. Bob is asking the Town to release 3 properties, 2 with store fronts, 1 with garage in back. The Board allowed segmented release in order to free up money. I went into the buildings, they look good, a lot of work has been done on the inside and in my opinion it is substantially complete. One of the terms in the Land Development Agreement (LDA) was that building 34 be completed. That is the building with the oil spill in the basement, that was already in the DEP tracking system. Bob has taken action with the clean up although it is still ongoing as the clean up was more extensive than we originally thought. Bob's licensed site professional has offered a letter stating he is in compliance with the contingency plan, he is the responsible party now and the cleanup activities are being monitored by DEP. My opinion is that section of the LDA is satisfied. I've reviewed what was proposed and what he has put into it and he is 50% over what he said he would put into these three buildings. He is about \$400,046 in at this point. The additional requirement in the LDA was that 34R, the garage in the back had to be linked with a lot in order to have frontage. Bob did go to the ZBA and that is now cleared up.

Kuklewicz makes the motion to sign the authorization of substantial completion for the redevelopment of 30, 34 and 34R East Main Street, Millers Falls. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson - Aye

Discussion on Racial Training Program Options

Nelson: Two weeks ago when we last had this topic on the agenda, we had folks present some ideas. Don Write: SEED has a similar proposal to Mr. Madison's group. The SEED program is a national program throughout the country on how to implement diversity in the classrooms. Because it's coming from a program with national

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attention we are able to provide a more clarified diversity leadership workshops to the Town. If any other groups wants to be a part of what SEED is doing, (proposal attached) If the Board decides to go with SEED other groups will join beside them, not behind.

The Selectmen will review the information.

Town Administrators Report

Adopt revised language to Five Eyed Fox petitioned article

Kuklewicz makes the motion to adopt the revised wording on the all alcohol liquor license request sent to legislation for approve as follows: striking Five Eyed Fox and inserting in place thereof the following words "Arthur Binaco & Merchant, LLC and in said section I by adding the following subsection (d) Upon issuance of the license authorized in this act, Arthur Binaco & Merchant, LLC shall surrender to the licensing authority the license it currently holds for the sale of wines and malt beverages to be drunk on the premises. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye

Set Annual and Special Town Meeting Article Deadline

Kuklewicz makes the motion that all Special and Annual articles for the May 7, 2016 Town meeting are due no later than Tuesday, March 15, 2016 at 4:00 P.M. All requests must be submitted on the appropriate forms obtained from the Selectmen's Office, no further articles will be added to the warrant after these dates. Seconded by Nelson, approved. Kuklewicz – aye, Nelson – Aye

Ariel Elan

Pipeline Intervention Updates

Elan:: It's a good thing Montague entered the Berkshire Gas intervention and we need more money to continue to do it well. At the moment, no additional motions have been filed, no decision by DPU in response to Berkshire Gas's nuisance motion to appeal the intervention status away from Montague. If the DPU is asked if the pipeline is needed, they will answer you truthfully and say it depends on if the pipeline has contracts. I was told, if they have customers then there is a need. That's not what one wants to hear. People believe if you build up enough testimony, how difficult, how expensive, how nuisance it would be to build this thing in Northern Massachusetts; somehow FERC or the company would say it's too much and go away. It not happening. Challenging the contracts is the only thing we can see so far to stop the pipeline at FERC.

Discussion

Reserve Fund Transfer Request, \$5,000 Pipeline Legal Expenses

Kuklewicz: There has been an anonymous grant for \$15,000 to \$20,000 for an expert witness to keep the case moving forward. Feeling like we will start seeing support from neighboring communities. What is being asked is the need really there or are there other alternatives out there?

Kuklewicz makes the motion to request a reserve fund transfer of \$5,000 to continue with pipeline legal expenses and to recommend to the Finance Committee for their approval as this is an unexpected expense. Seconded by Nelson, approved. Kuklewicz – Aye, Nelson – Aye

Kuklewicz makes the motion to adjourn the meeting at 8:15 PM. Seconded by Nelson, approved unanimously. Kuklewicz – Aye, Nelson – Aye

List of Documents and Exhibits:

- Minutes of February 1, 2016
- One Day license – Lefty's Brewing Co.
- Handout from Broadband Committee
- SEED racial training information
- Reserve fund transfer – pipeline legal expenses
- Article deadline notice